

Board of Mayor and Aldermen
Regular Meeting, Nolensville Elementary School
Thursday, October 6, 2005, 7:00 p.m.

Mayor Charles Knapper opened the meeting at 7:07 p.m. Members present were Mayor Knapper, Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger, and Larry Felts. Counsel Robert Notestine, Town Planner Henry Laird, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 48 citizens present.

Mr. Willis Wells led the prayer and Boy Scout Troop 298 led the pledge.

Mayor Knapper then asked if there were any citizens that had comments.

Ms. Beth Ferguson, Principal of Nolensville Elementary School, thanked the board for their donation of \$4,000. She noted that it was used to purchase risers for the music department.

Mr. Matt Happel, 9895 Sam Donald Road, noted to the board that he had entered into an agreement with Cates and Kottas Development. He encouraged the board to notify adjacent property owners prior to a development commencing.

Mr. Aubrey Short, 803 Rockwood Drive, noted that the Code of Ethics was being discussed this evening. He gave his opinion on a Code of Ethics noting that if an Alderman speaks badly about another Alderman this is called freedom of speech. He further noted incidences of his personal life and the application of Code of Ethics. Mr. Short also discussed the Urban Growth Boundary noting this law passed in 1999 and it was passed not to have urban sprawl. He noted that he had reviewed Ordinance #05-25 and if Silver Stream is annexed they will abide by County guidelines. He asked if they would have to sprinkle their homes. He further inquired about the roads. Mr. Short noted that if people are going to develop, they should pay for the infrastructure. Mr. Short additionally noted that he had spoken to the county and to the town about the drainage issues on various roads, Countryside, Stonebrook and others. This problem has still not been rectified.

Ms. Jackie Hicklin, 2408 Rocky Fork Road, discussed a road cut in Rocky Fork Road. She also asked what the town had to offer her that the county does not already provide, if she is annexed.

Mayor Knapper thanked everyone for their comments and stated that once the annexation process begins these questions will be answered.

There was no further citizen input.

Alderman Dugger made a motion to approve the minutes from September 1, Alderman Alexander seconded. Alderman Curtsinger noted that the minutes should reflect "withdrawn" on Ordinance #05-17, not postponed, additionally, on the last page the minutes reflect there was a plat. This should read there was "no" plat to review. With these two corrections the minutes were approved unanimously.

Recorder Lancaster noted that general fund cash on hand \$893,888.64 with cash disbursements of \$59,000. She noted State Street Aid Cash on hand being \$59,931.63, with total cash on hand being \$953,820.33. Alderman Felts made a motion to approve the treasurer's report, Alderman Dugger seconded and this passed unanimously.

Mr. Willis Wells Planning Commission Member reported the following:

- York Road was discussed.
- Major Thoroughfare Plan was approved with minor changes.
- Nolensville Road project was approved with six conditions.
- Patterson site plan was deferred.
- Ballenger Farms, Phase II was approved. He noted it would fall under the sprinkler ordinance.
- Bennington/Winterset final plat amenities were approved. – Counsel noted the county approved this.
- Road width was discussed.
- Underground utilities were discussed and a public hearing has been scheduled.
- Bond report was accepted as read.

Betty Friedlander reported for the Historic Commission:

- Noted this Commission has not met.
- Hazardous waste can be taken to Administrative Complex on October 29 from 8 – 2.

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- “Use candles with Care” is the theme for Fire Prevention this year.
- Attending local schools to promote Fire Protection Week.
- Thanked the Lion’s Club for serving dinner in September.

Rich Woodroof reported for the Codes Department.

- 13 C Stonebrook bond was called.
- Met with Silver Stream in regards to re-alignment of road.
- MS4 Annual Report was sent in to State.
- Engineering firm will be hired to review roads.
- Henry has been working on annexations and Land Use Plan.
- Henry Laird has attended class in Knoxville and has been extremely busy.

Mayor Knapper explained the MS4 process and noted that this is a federal law mandate and must be complied. Mayor noted that the town has hired an engineering firm to make sure the roads are constructed properly. Currently the town does not have anyone with that expertise.

Alderman Dugger noted that the bond was called, although we had met with the developer. He stated now that the bond has been called, isn’t it the town’s problem and not the developer. Counsel Notestine stated that the planning commission had directed staff to call the bond and when the work is completed the monies that is remaining (not used) is returned to the developer. Therefore the developer still has an interest in these funds. Additionally, the developer will have to leave enough money in the fund for a maintenance bond.

Chief Paul Rigsby reported for the Police Department.

- Stated a written report was submitted.
- In the process of hiring two new full time officers for 24-hour coverage. Hopes to have this in place by the end of the month.

Mayor Knapper reported for the Public Works

- Stated a written report was submitted.
- Thanked this department for all their hard work.

Mayor Knapper's report:

Other:

Mayor Knapper noted that the town is currently in contact with TDOT in regards to traffic lights at Sunset, Rocky Fork and other locations. There should be some answers in the near future.

He further noted that there are ongoing discussions in regards to Nolensville Elementary School becoming the home of town hall. He stated that there is nothing new to report other than the town is continuing to inform the county they are interested in the school becoming town hall.

Mayor Knapper then read a Proclamation proclaiming October as being Breast Cancer awareness month. After reading of the resolution, Mrs. Raylene King thanked the board for the proclamation and noted that five women in Nolensville were diagnosed this past year. She noted the event would be on October 22 with a huge yard sale and this Saturday evening a dessert and coffee will be held at the Stonebrook Baptist Church. She encouraged everyone to attend

Town Engineer Rich Woodroof then opened the annual MS4 meeting. He noted that the Board of Mayor and Aldermen held the position as the Storm Water Committee and Mr. Woodroof went over the various roles and responsibilities of this committee. He noted the report that was recently submitted in addition to various items that were performed to complete the state and federal requirements. He then asked the board if they had any questions and/or comments. There were none and the annual meeting was then closed.

Counsel Notestine then discussed the Code of Ethics. He noted that he has reviewed this document and stated there needs to be some refinement. Alderman Felts, who has been instrumental in preparing this document, asked the board for a date to have a workshop on this. Mayor Knapper stated that he would like to have a workshop on some various issues and would be getting with the board on some dates to combine all the issues.

Public hearing for ordinance #05-22, an ordinance to amend the zoning map and text of the zoning ordinance #04-09, to create an annexation buffer overlay opened at 7:55 p.m. Mr. Henry Laird described this ordinance, noting this restricts the area in regards to density. Counsel Notestine noted that this is a public hearing and will have a second reading next month. He stated that this is a unique attempt to fit our zoning ordinance with an interlocal agreement that was part of a recent lawsuit. The public hearing closed at 7:57.

Public hearing for ordinance #05-23, an ordinance to amend the zoning ordinance #04-09 to revise standards for open space for Planned Unit Developments opened at 7:57. Mr. Henry Laird stated that the Planning Commission in this ordinance is making an attempt to upgrade the standards for an open space development. They held several workshops to discuss this issue and this is the ordinance that was developed following the workshops. Counsel Notestine then reiterated this is a public hearing.

Mr. Aubrey Short asked if this went before the Planning Commission and if so what was their recommendation. Mayor Knapper noted that it did go before the Planning Commission and was approved unanimously. The public hearing was closed at 7:59.

Second reading of ordinance #05-21, an ordinance to approve a concept plan for a Planned Unit Development overlay known as the Reserve at Bent Creek. Counsel Notestine noted an agreement between Mr. Happel and Cates-Kottas Development, that was discussed by Mr. Happel during citizen's comments and a copy was given to the board; the Town of Nolensville is not a part of this agreement. Alderman Dugger made a motion to approve this ordinance, Alderman Alexander seconded.

Alderman Dugger stated that there was an error in the location. He stated that the location was listed as Clovercroft Road. This should read Sam Donald Road.

Alderman Alexander stated that at the last meeting it was discussed that a revised plan would be presented that would depict this piece tying into Phase VI. He noted that this has been done. Counsel stated that the map could be made part of the minutes.

Alderman Curtsinger asked for the distance from the road to the entrance of Bent Creek? Mr. Eric McNeely, representative of Cates-Kottas Development, stated it was no more than 1,000 feet.

Alderman Dugger made a motion to amend this ordinance by changing Clovercroft to Sam Donald Road, and make the map a part of the minutes, this was seconded by Alderman Curtsinger.

Alderman Curtsinger noted that he had a concern of traffic problems and the effect this would have on Mr. Happs property with the smaller lots beside his home. He noted that this board needed to see what this would look like prior to approval. Mr. McNeely stated that Jones Company has agreed to do the landscaping and construct a berm beside his property.

Mayor Knapper asked if site distances would be addressed as Alderman Curtsinger had asked. Mr. McNeely stated that the subdivision regulations had been reviewed and this is being monitored. Mr. McNeely said the elevation would be raised to improve the site distance on Sam Donald Road.

The vote was then taken on this ordinance as amended with Mayor Knapper, Aldermen Curtsinger and Alexander for, Aldermen Dugger and Felts were against. The ordinance passed on a majority vote.

First reading of Ordinance #05-24, an ordinance to amend the zoning ordinance #04-09 in regards to revise site plan review requirements. Counsel Notestine described this ordinance, along with Engineer Woodroof and Town Planner Laird.

Alderman Dugger asked if a consent agenda could be done to accomplish the same request within this ordinance. Counsel Notestine stated that a consent agenda could be done. Alderman Dugger stated that this would be a way for the Planning Commission to be aware of what is going on. Mayor Knapper asked if Alderman Alexander could obtain a copy of Metro's consent agenda. Alderman Alexander will be obtaining this document for Nolensville's review.

Alderman Curtsinger noted a monitoring system needs to be in place. Alderman Dugger noted that he did not mean to imply that staff was not qualified, but would like a mechanism in place to keep everyone informed.

Alderman Felts made a motion to approve this ordinance, Alderman Curtsinger seconded and this passed unanimously.

First reading of ordinance #05-25, an ordinance to annex certain territory east of current corporate boundaries adjacent to Rocky Fork Road and including parcels running north to Kidd Road and adjacent properties and to incorporate same within the corporate boundaries of the Town of Nolensville. Planner Henry Laird noted this is a description of properties that is being considered for annexation. Counsel Notestine stated the process of an annexation, in addition to Engineer Woodroof pointing out the properties on a large map.

Alderman Dugger noted that there were nine property descriptions and the map indicates only seven properties.

Counsel Notestine noted that Silver Stream Development is a part of this annexation and the county has approved this development prior to our annexation. Mayor Knapper noted that once they go to the county they have vested rights.

Alderman Felts wanted clarification that we are annexing property that has been approved by the county.

Alderman Alexander stated that it was his understanding that this development was recently on the county's agenda and then was removed. Why was this removed? Mr. Moon, the owner of Silver Stream, stated that the county was waiting on Nolensville's comments in regards to the roads.

Alderman Dugger asked for clarification in regards to Section 2 of the ordinance. Counsel Notestine stated that it is his understanding that once annexation is completed, Silver Stream will have preliminary plat approval through the county.

Mr. Aubrey Short (from the audience) asked why are you annexing if you have to abide by the county regulations.

Alderman Curtsinger stated that he had several questions. He asked if the town would be annexing all of the roads – Fly and Kidd. Mayor Knapper stated that the town would take the roads. Alderman Curtsinger asked if Silver Stream has preliminary plat with the town. Counsel Notestine stated that he had not seen the preliminary plat, although this development could possibly have final plat approval by the time Nolensville's annexation is final. Alderman Curtsinger asked if we should have had this information to see what we are annexing. Counsel Notestine stated that if this is approved the Planning Commission has 90 days to make their recommendation in regards to the Plan of Service. Alderman Curtsinger asked if it would be better to split this into two annexations. He further stated that he would like to see a financial plan for the next five to ten years. Mayor Knapper stated that this information would be in the Plan of Service.

Engineer Woodroof stated that once this property is annexed the town would receive the adequate facilities tax from the homes that are built.

Alderman Alexander asked the conditions of the preliminary plat approval. Mr. Moon stated

that there were two conditions made by the Town of Nolensville. The development will give right away across from the development. Additionally, the development will provide engineering drawings of Rocky Fork Road. Engineer Woodroof stated that the drawing was submitted yesterday and the deadline was Monday.

Alderman Curtsinger asked about the realignment of Rocky Springs Road. Mr. Moon said that road is across from his development.

Alderman Alexander asked how many lots were in the development and what is the density. Mr. Moon stated there are 370 lots with the density being 1.8.

There was extensive discussion on separating the properties and making two annexation ordinances. Alderman Curtsinger stated his concern was with the terminology and not having to abide by the sprinkler ordinance.

Mayor Knapper made a motion to approve this ordinance, Alderman Dugger seconded and this passed with Mayor Knapper, Aldermen Alexander, Dugger, and Felts for and Alderman Curtsinger against.

First reading of ordinance #05-26, an ordinance to amend the Nolensville Municipal Code in regards to roads. Alderman Curtsinger distributed pictures that showed safety issues. He noted an ambulance could not get through due to the cars parked on the side of the roads. Alderman Curtsinger asked for Police Chief Rigsby comments, in addition to Fire Chief Hughes. Chief Rigsby stated that since a police vehicle is smaller he has not had a problem with this issue, but could see where the fire department may have problems. Chief Hughes stated that there have already been incidences during the day and evening that the large fire trucks could not get through to the call. Alderman Curtsinger stated that this needs to be rectified now. Alderman Curtsinger made a motion to approve this ordinance, Alderman Felts seconded.

Alderman Dugger stated that most of the pictures are in the new developments and this is private property. He stated that if we were trying to solve the construction parking this ordinance would not help this situation. He noted that this would affect people with yard sales, block parties, or events at people's homes that have no other parking.

Alderman Curtsinger stated that this ordinance is looking into the future.

Alderman Felts noted that this would affect the block parties and events. He asked if an ordinance could be done that would address the construction issue. Counsel Notestine stated that we cannot have jurisdiction until the roads are turned over to the town. Alderman Alexander stated that if they are building homes, then they are dedicated roads. Counsel Notestine stated that normally a formal dedication is performed and this is done in resolution form. He noted that in the past, when the maintenance bond is released from the road, the road is then accepted by the town in resolution form.

Alderman Curtsinger stated that there have been two known emergencies that vehicles could not get down the road. Additionally buses have trouble traveling down the streets when cars are parked on the side of the road. He stated that we have a real problem if this is not addressed now. Alderman Dugger asked if there had been a problem where there was not construction. Chief Hughes stated that there had been a call in Bent Creek at night, when no construction traffic was there.

Alderman Alexander asked if a workshop could be planned to discuss this ordinance. Alderman Curtsinger stated that if anything happens it puts the liability on the town. Mayor Knapper stated that was a very dangerous statement. He asked Counsel if this statement were true. Counsel Notestine stated that due to municipalities having tort liability we are immune to some lawsuits. He stated it would be hard to say due to the town not officially having the roads.

Alderman Curtsinger made a motion to approve this ordinance, Alderman Alexander seconded and this ordinance passed with Mayor Knapper, Aldermen Alexander, Curtsinger, and Felts for, Alderman Dugger was against.

Reading of Resolution #05-13, a resolution to adopt the National Incident Management System. Chief Rigsby described this resolution and noted that by October 1, 2006, all officers will be trained and will be in compliance with this resolution. This has been mandated by the State of Tennessee. Chief Hughes noted that he has taken the required test for this compliance. Alderman Felts made a motion to approve this resolution as read, Alderman Alexander seconded and this passed unanimously.

The agenda addendum was then brought forward. First reading of ordinance #05-27, an ordinance to make certain amendments to Ordinance #05-01, requiring the installation of automatic fire sprinkler systems. Alderman Curtsinger stated that this ordinance is being co-sponsored by Alderman Felts. He noted that the International Building Code that we have adopted has passed and mandates sprinklers without an opt out. We know this is out there and if there is a conflict it will be up to the fire chief to make this decision. Counsel Notestine noted that this ordinance references the 2006 Edition, if this ordinance is passed tonight he recommends that this be removed because the town has not adopted this edition. Mayor Knapper then called on Michael Blanks, town Building Inspector, to interject. Mr. Blanks stated that it is his understanding that no municipalities have adopted the 2006 Edition. He noted that the Town of Nolensville is currently working from the 2003 Edition and most cities are still working from the 2000 edition.

Alderman Dugger noted that it is being said that we are mandated to adopt 2006 and this is not correct. In March of this year this board adopted the 2003 edition and it is his understanding that you do not immediately adopt the latest edition in order for the kinks to be worked out of the latest edition.

Fire Chief Hughes stated that forget Life Safety Code 2006, according to the your Life Safety Code it says that you will have the latest edition. We are not asking you to adopt Life Safety 2006. Chief Hughes stated that it would be mandated eventually and why not go ahead and adopt it now. He further stated that this is an issue on life safety. He noted that the state does not mandate which code to adopt, but you must adopt a code. He stated that he is merely asking this board to remove the "opt-out" clause.

Alderman Dugger asked for clarification on the deletion of various sections. He ask that Alderman Curtsinger address each section.

Alderman Curtsinger made a motion to amend by adding the wording to the heading and within the document, "ordinance 04-02, as amended by ordinance #05-01" and delete the clause that has Life Safety Code 2006 edition; this was seconded by Alderman Felts. This amendment was approved unanimously. The vote was then taken on the approval of the ordinance as amended, with Mayor Knapper, Aldermen Alexander, Curtsinger, and Felts for and Alderman Dugger against.

Mayor Knapper adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Cindy Lancaster
Town Recorder

Approved,

Charles F. Knapper
Mayor